

Frequently Asked Questions Regarding the El Centro Vendor Program

08/30/05

GENERAL

1. **What is my Filing Date?** *The date when the El Centro Field Office has received a complete applications package.*
2. **What is the difference between a Vendor Permit and a Special Recreation Permit?** *The vendor permit is actually a Special Recreation Permit. They are commonly called vendor permits because it distinguishes the type of activity being authorized with the Special Recreation Permit (SRP).*
3. **If I fill out the forms and pay the fees, does BLM have to issue a Special Recreation Permit?** *No. The authorized officer has discretion to approve, modify, or reject an application. If the procedures are followed, applications are normally approved. But they may be modified.*
4. **Can I sell at more than 1 location with a permit?** *It depends upon what you will be doing. For example, if on any given day you sell at only one location, and you are selling at different locations on different weekends, you need only one Special Recreation Permit. But if you are selling from two or more units on the same day, each unit needs a separate Special Recreation Permit. This applies for multiple units at the same location, roving, different locations, or some combination.*
5. **What does the BLM take into consideration in regards to vending activities at the Imperial Sand Dunes?** *Vending activities at the Imperial Sand Dunes Recreation Area (ISDRA) need to contribute to the visitor's experience by providing foods or services onsite, which in turn provides for an improved recreational experience. To be consistent with commercial activity goals in the ISDRA, items sold or services provided should:*
 - *Directly enhance the visitors' experience.*
 - *Not be detrimental to the health and safety of visitors, employees or nearby residents.*
 - *Not detract from resource sustainability.*
 - *Complies with BLM Manual requirements that vendor policies take into account the viability of nearby privately owned businesses.*
 - *Complies with the Imperial Sand Dunes Recreation Area Management Plan*
6. **Why does BLM refuse to accept faxed or e-mailed applications and forms?** *BLM needs to have original signatures and dates. Copies and e-mails are not considered as legal proof of a vendor's agreement. With identify theft; it is possible for other parties to use a vendor's name illegally.*

SPECIAL RECREATION APPLICATION & PERMIT FORM

7. **What number should I place in the "Permit No" box on the form's upper right hand corner?** *None. A unique number is assigned by BLM for each complete vendor application received. The number will be filled in by the El Centro Field Office.*
8. **I am worried about supplying my Social Security Number.** *Social Security Numbers and Taxpayer Identification Numbers are required to process your application. They are treated as confidential information.*

9. **How can I list more phone & fax numbers and e-mail addresses than will fit in items 4, 7, & 8?** *The Vendor Supplemental Information Form has space for listing additional phone numbers and e-mail numbers.*
10. **For Item 11, what type of permit is a vendor permit?** *Check “Commercial” and “Vending”. Vending and vendor permits are examples of commercial permits.*
11. **In Item 12, do I have to provide a map and the legal description of where I will be vending?** *No. Only the location of the authorized vendor area (e.g., Gecko Road Vendor Pad), Glamis Flats Vendor Area, Buttercup Vendor Areas, Dune Buggy Flats) needs to be listed. Roving vendors should list the management areas within the Imperial Sand Dunes Recreation Area that you will be operating in on a specific date. For example, the northern or southern portion of the ISDRA, Gecko Management Area which includes Gecko Road. Or the Long Term Visitor Areas (LTVAs), and race pit areas for vending outside the ISDRA. In a few cases, more detailed information may be needed and you will be requested to provide a map.*
12. **What should I list as the purpose in Item 13?** *Describe what you will be doing. Will it be cooking and providing food? Will you be selling clothing, repairing vehicles, or just distributing advertising?*
13. **I can list only one arrival and departure time in Item 14, but I intend to do business on more than one weekend. How do I list those other weekends?** *BLM recommends that the first day you intend to vend should be entered in the Beginning Date space and the last day of the vendor season (May 31, 2006) be entered in the Ending Date space. The permit is normally authorized for the entire season, but is only valid for the dates listed on an approved Vendor Update/Change Form. Authorizing a Special Recreation Permit for the entire season means only one file has to be opened for the season. You only have to submit one application. The Vendor Update/Change Form is the method to request specific days and locations to vend. Upon receipt of the full payment for the days requested, the Vendor Update/Change Form is normally approved by the authorized officer and a copy of the form is returned listing the days authorized for vending.*
14. **How detailed should the description of Facilities in Item 15 be?** *A description or sketch of your vendor site, at a minimum, should show where the public would park, the parking of your vehicles and trailers. Show where tables, awnings, and trash cans will be located. Include the dimensions of the area you intend to use. The space in Item 6 may be too small but you can put the details on a separate piece of paper with a note in Item 6 to see the attachment.*
15. **When do I need to send the Post Use Report to the El Centro Field Office?** *For those authorized to use Post Use Reports, they should be monthly reports and received at the El Centro Field Office by the 7th of each month.*
16. **Why are some vendors allowed to file a Post Use Report when others have to pay in advance?** *All vendors are required to pay in advance. The Post Use Reports are used to make adjustment for actual use. The decision to allow septic haulers to file post use reports is based primarily upon public health and safety considerations. Several laws and regulations require visitors to properly dispose of waste in their holding tanks (grey and black water) based upon the health hazards created by depositing the contents on public lands. Visitors who stay for a short duration and do not keep track of the status of their holding tank are unable to make arrangements two weeks in advance for an approved septic hauler to service their holding tanks. With a full holding tank, there is a temptation for a visitor to illegally empty a holding tank on public land. Such actions create health and safety hazards. By allowing septic haulers to file post use reports, they can service, when needed, a visitor’s holding tank. The temptation and potential for visitors to illegally empty their holding tanks on public lands is reduced. The same is true for the servicing and removal of rental trailers.*

VENDOR SUPPLEMENTAL INFORMATION FORM

- 17. Why do I need to fill in the Vendor Supplemental Information Form?** *The form allows BLM to collect additional information that relates to vending such as information about permits from other agencies. It also provides a means for vendors to list additional telephone numbers, e-mail, and web site information.*
- 18. Do I have to fill every item on the form?** *Information about your business name, address, and permits/licenses from other agencies are required. If an item is not appropriate for your business, leave it blank or enter "N/A" in the space. For example, a vendor who does not sell food would leave blank the Food Permit information.*
- 19. If I am exempt from having a permit such as a Sellers Permit or a Business License, how should I fill in the space?** *Write in "Exempt". This information is provided to various State and county agencies upon request. If upon review a vendor is found to make a false statement, the vendor's permit may be cancelled.*
- 20. If I have a business license, do I need to obtain a Peddler's Permit?** *If you have a business license from Imperial County or a city within Imperial County you are not required to have an Imperial County Peddler's Permit. But if your business license is from outside Imperial County, an Imperial County Business License is required. If you have a current Imperial County Peddler's License, it will be honored as County Business License. But when the Peddler's License expires, an Imperial County Business License will be needed. NOTE: For all questions regarding non-BLM permits, you should ask the appropriate agency for the definitive answer.*

VENDOR UPDATE/CHANGE FORM

- 21. What if I cannot put all the dates I am requesting in the space provided?** *Additional space is provided on the back of the form and material such as catalogs can be attached to the form. .*
- 22. What if the change I need to make is not on the form?** *Check the "Other" box and describe the change. If your certificate of insurance is changed or another license/permit is renewed, attach a copy to the form.*
- 23. How far in advance can I change dates that have been purchased?** *Changes can be requested at any time so long as they are received at the El Centro Field Office 14 days in advance of the change.*

VENDOR VEHICLE SHEET

- 24. What happens if I use a vehicle that is not listed?** *Any vehicle not listed has not been reviewed and therefore is not approved to be part of the vendor operations. All of the vehicles listed do not have to be used. Some vendors list alternate or backup vehicle that may be used if there is a break down.*
- 25. How do I change or add vehicles to the list?** *Use the Vendor Update/Change Form to request additions or deletions of vehicles and trailers for approval. Or you can fill out a new Vendor Vehicle Sheet and attach it to the Vendor Update/Change Form.*
- 26. At the fee check points, is there a way I can quickly show that I am a vendor and do not need to have a recreation fee permit too?** *In addition to the commercial; Special Recreation Permit for vending, you will have to obtain either a Weekly or a Seasonal*

Imperial Sand Dunes Recreation Area (ISDRA) non-commercial Special Recreation Permit for each vehicle you or you employees drive into the ISDRA. If your vending is outside the ISDRA, you do not need the non-commercial Special Recreation Permit.

FEES

- 27. Have the vendor fees increased from last season?** *The daily fees are the same. The fees are still \$25.00/day for non-holiday weekdays (Monday, Tuesday, & Wednesday), \$30.00/day for non-holiday weekends (Thursday, Friday, Saturday, & Sunday), and \$60.00/day for six holiday/high visitation periods. But the minimum fee has increased from \$80.00 to \$90.00 and the exclusive site fee has increased from \$160.00 to \$180.00*
- 28. Why does the fee schedule consider Thursday and Friday as weekend days?** *Weekend use by vendors frequently begins on Thursdays and Fridays when they arrive, set up operations, and begin selling. The higher visitation pattern for weekends has normally included Thursdays and Fridays. For planning and operational purposes, Thursday and Fridays are considered part of weekend visitation and use.*
- 29. Since roving (moving) vending and vending at Glamis Flats, Buttercup, and Dunebuggy Flats is prohibited from noon Monday to noon Thursday, why is there a weekday fee?** *Within the ISDRA, vendors at the Gecko Road Vendor Pad can conduct business seven days a week. Outside of the ISDRA, vending can be authorized seven days a week.*
- 30. Why does BLM charge vendors for days when they are only setting up of taking down their equipment?** *The regulations require BLM to charge fees whenever commercial or business activities are occurring on public lands. Setting up and taking down are business activities.*
- 31. Why does BLM require a permit and charge fees if nothing is being sold or charged?** *The regulations require BLM to charge fees whenever commercial or business activities are occurring on public lands. The regulations apply to any form of doing business such as handing out advertisement or literature. Another example would be doing free adjustment to dune buggies previously sold at the vendor's store.*
- 32. What is a vendor day?** *A vendor day is a day that a vendor's request to vend has been approved and all fees have been paid for a specific date.*
- 33. Can I pay my fees in Mexican pesos that I have on hand?** *No. All fees must be paid in U.S. currency.*
- 34. When do I pay my fees?** *All fees and the Vendor Update/Change Form must be received by BLM 14 days before the days you are requesting.*

INSURANCE

- 35. Will my automobile insurance satisfy BLM's insurance requirements?** *No. An automobile insurance policy only covers your vehicle. It may have an exclusion or restriction if you use the vehicle for business. In addition, it does not cover the products/services you provide. For example, if you are selling food, the automobile policy does not protect you of the BLM for claims of food poisoning.*
- 36. Is it enough that BLM is listed as the holder on my certificate of insurance?** *No. The Bureau of Land Management must also be shown as Additional Insured. How the BLM is listed as Additional Insured varies from form to form. On some forms this is written out on others a box is checked that the holder of the certificate of insurance in additional insured.*

- 37. Are there situations where BLM may require an insurance policy greater than \$600,000?** *Yes. For example, vendors renting off-road vehicles would be considered as High Risk and would require \$1,000,000/Occurrence and \$2,000,000/Annual Aggregate. There would be no way to determine or limit the experience level of renters. It is very likely that most renters would be inexperienced because experienced riders would come with their own vehicles. The renters would probably be unfamiliar with the Imperial Sand Dunes and not know the locations where extra caution is needed.*

NON-BLM PERMITS

- 38. If I have a business license, do I need to obtain an Imperial County Business License?** *If you have a business license from a city within Imperial County you may not be required to have an Imperial County Business License. But if your business license is from outside Imperial County, a Business License is required. Current Imperial County Peddlers Licenses are being honored as Imperial County Business Licenses. When the Peddlers License expires, an Imperial County Business License will be required. NOTE: For all questions regarding non-BLM permits, you should ask the appropriate agency for the definitive answer.*
- 39. How many Business Licenses do I need to obtain?** *One license is required for a business. You need to contact the Imperial County Tax Collector's office to confirm this answer and for specific details that may apply.*
- 40. Can I use my Sellers Permit from another state?** *No. You must have a Sellers Permit and number issued by the California Board of Equalization. Only the Board collects sales taxes within California. Sellers Permit numbers provided to BLM will be verified with the California Board of Equalization.*
- 41. I intend to pump sewage from RV holding tanks, do I need a permit?** *Yes. A permit is required from the Imperial County Environmental Health Service. BLM has not attempted to identify every non-BLM permit/license that a vendor may be required to obtain. This is one example.*
- 42. Do I need an Imperial County Food Permit for each vendor location/unit I operate?** *You need to check with Imperial County Environmental Health Services to determine what their requirements are. Food Permits can take 3-4 weeks for processing.*

VENDING OPERATIONS AT VENDOR AREAS

- 43. If the trash dumpsters are full, where do I dispose of trash?** *You need to take the trash/garbage to a solid waste landfill or make arrangement for the trash/garbage to be properly disposed of. Leaving bags of trash/garbage piled around a filled trash dumpster is unsanitary, subject to animals tearing the bags apart, and it is illegal.*
- 44. At the fee check points, is there a way I can quickly show that I am a vendor and do not need to have a recreation fee too?** *In addition to the commercial Special Recreation Permit for vending, you will have to obtain either a Weekly or a Seasonal Imperial Sand Dunes Recreation Area (ISDRA) non-commercial Special Recreation Permit for each vehicle you or you employees drive into the ISDRA. If your vending is outside the ISDRA, you do not need the non-commercial Special Recreation Permit.*
- 45. How frequently does BLM check vendors for having valid permits?** *Unlike previous seasons, I did not have anyone check my vendor permit last season. Specific schedules and frequencies of enforcement action, such as monitoring, is confidential information. In general, several changes were made internal to BLM in*

regards to the vendor program. Weekly lists showing approved vendors, their vendor days, and location were circulated among BLM employees. In addition, a spread sheet was developed to track insurance and non-BLM permits and their expiration dates. As a result, monitoring of vendor permits increased several fold. But the monitoring changed from an intrusive approach where the vendor was contacted and had to produce copies of each permit to a non-intrusive monitoring where employees can check for approved vendors with the weekly list.

- 46. If I have an Imperial Sand Dune Recreation Area Use Permit for when I camp between vending on weekends, do I have to be present or can someone look after my camping unit?** *Someone must be camping and/or staying in the camping unit every night. Otherwise, BLM will consider that you are reserving a space. This applies to the situation where a “security” person is checking on camping units but does not stay in them. NOTE: on a case by case basis, the Field Manager may authorize an exception for emergency situation. This was done a few years ago because of the fire emergency in southern California was directly threatening or affecting the residence or business of some vendors.*

LOCATIONS

- 47. Are Dune Buggy Flats and Gordons Well the same location?** *No. Dune Buggy Flats is the flat areas between the west side of the Imperial Sand Dunes east of the Coachella Canal, and north of the All American Canal. Gordons Well is on the west side of the Imperial Sand Dunes and south of Interstate 8. Dune Buggy Flats is frequently, but incorrectly, called Gordons Well too because the Gordons Well exit ramp is normally used to reach it. When vendors mention “Gordons Well”, BLM realized that Dune Buggy Flats is meant because there is no vendor area at the true Gordons Well.*

PRODUCTS/SERVICES

- 48. How detailed does my list of sales items has to be?** *A list of all the items sold is needed. For example, a food vendor needs to list what is proposed for sale (e.g., chili, hot dogs, assorted pre-packaged chips), the sizes/quantity being sold (e.g., 10 oz. & 20 oz. sizes of pre-packaged chips). Continuing with the food vendor example, the ingredients or the secret recipe for the chili is not being asked for. Nor do the quantities of item in stock need be listed.*
- 49. Why does BLM require me to submit copies of all graphics and text to be used on clothing and other items?** *BLM does prohibit the sale and display of obscene and pornographic material. Reviewing the submissions allows BLM to inform a vendor before arrival that some material cannot be sold on public lands.*
- 50. I have many combinations of graphics and wording. Do I need to submit a copy of each combination?** *Providing BLM with a copy of each graphic to be used and a list of all the text to be used would be adequate. For example, a graphic of a dune buggy on the sand and a list all of the texts to be used with the graphic (e.g., Glamis Halloween 2005, Glamis Thanksgiving 2005, Glamis Easter 2006, etc.) would meet the requirement.*